

UNITED STATES BANKRUPTCY COURT DISTRICT
OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)
2017-2058

Pincus Law Group, PLLC

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John Monari, Esquire

425 RXR Plaza

Uniondale, NY 11556

(516) 699-8902

ATTORNEY FOR NewRez LLC d/b/a Shellpoint
Mortgage Servicing as servicer for MCLP Asset
Company, Inc.

Case No.: 21-19546

Chapter 13

Hearing Date: 05/10/2023

Judge: MBK

In Re:

Linda B. Brewer-Burton aka Linda Brewer aka Linda
Burton

RESPONSE TO DEBTOR'S MOTION FOR SANCTIONS AGAINST SHELLPOINT

I, John Monari, Esquire do hereby certify that I am an attorney at law in the State of New Jersey for the Law Firm of Pincus Law Group, PLLC, and our firm represents NewRez LLC d/b/a Shellpoint Mortgage Servicing as servicer for MCLP Asset Company, Inc.

("Respondent") secured creditor and mortgage lien holder on the premises owned by Debtor and located at **2251 Liberty Street, Hamilton, NJ 08629**. On behalf of Respondent Pincus Law Group, PLLC, hereby responds to the Motion for Sanctions as follows:

1. On December 13, 2021, the Debtor filed the instant Chapter 13 Bankruptcy case.
2. On December 23, 2021, the Hamilton Tax Office filed their Proof of Claim in the amount of \$12,170.58.
3. On April 12, 2022, the Hamilton Tax Office filed an Amended Proof of Claim in the amount of \$0 to reflect that the delinquent pre-petition taxes were paid.

4. On April 13, 2022, a Limited Power of Attorney was executed in favor of NewRez LLC d/b/a Shellpont Mortgage Servicing to service the subject mortgage on behalf of MCLP Asset Company, Inc.
5. On November 25, 2022, Respondent filed a Proof of Claim that listed its pre-petition arrearages as \$1,446.58.
6. On February 3, 2023, the Debtor filed a Motion to Expunge Respondent's Proof of Claim for failing to account for the pre-petition delinquent property taxes due to the Township of Hamilton that were paid by Respondent post-petition.
7. An Amended Proof of Claim was filed on March 16, 2023 which listed payment of the taxes paid to the Township of Hamilton in the amount of \$10,518.46.
8. The hearing on the Motion to Expunge was adjourned to 5/10/23 as Debtor disagrees with the amount listed as paid by Respondent in the amended proof of claim and believes the amount should actually be \$12,170.58.
9. Respondent is in the process of reviewing its records as well as prior servicer records to address Debtor's concerns regarding this payment to Township of Hamilton.
10. On April 10, 2023, Respondent, through its counsel, RAS Legal Group, filed a Notice of Mortgage Payment Change which includes an escrow component in the total monthly post-petition mortgage payment.
11. On April 15, 2023, Debtor filed this instant Motion for Sanctions against Respondent for violations of Fed.Bankr.R. 3002.1.
12. Respondent is currently reviewing its records in order to address the Debtor's allegations and concerns. Once the review is completed a reconciliation of the

account may be warranted. Respondent requests additional time from the court to complete same.

WHEREFORE, NewRez LLC d/b/a Shellpoint Mortgage Servicing as servicer for MCLP Asset Company, Inc. respectfully requests that the Motion for Sanctions be DENIED.

Dated: May 3, 2023

Respectfully submitted,

PINCUS LAW GROUP, PLLC

By: /s/ John Monari
John Monari, Esquire
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ATTORNEY FOR NewRez LLC d/b/a Shellpoint
Mortgage Servicing as servicer for MCLP Asset
Company, Inc.

Case No.: 21-19546

Chapter 13

Adv. No.: N/A

Hearing Date 03/08/2023

Judge: MBK

CERTIFICATION OF SERVICE

1. I, John Monari :

☐ represent Respondent in this matter.

☐ am the secretary/paralegal for _____, who represents
_____ in this matter.

☐ am the _____ in this case and am representing myself.

2. On May 3, 2023, I sent a copy of the following pleadings and/or documents
to the parties listed in the chart below.

Response to Debtor's Motion for Sanctions Against Shellpoint

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: May 3, 2023

/s/ John Monari
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Linda Brewer-Burton 2251 Liberty Street Hamilton, NJ 08629	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>ECF</u> (As authorized by the Court or by rule. Cite the rule if applicable.)
John A. Zimnis, Esq. Law Offices of Peter E. Zimnis 1245 Whitehorse Mercerville Road, Suite 412 Trenton, NJ 08619	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>ECF</u> (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)

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**ORDER DENYING DEBTOR'S MOTION FOR
SANCTIONS**

Debtor's Motion for Sanctions Against Shellpoint for Violations of Fed.Bankr.R 3002.1

is DENIED.

Honorable Michael B. Kaplan
UNITED STATES BANKRUPTCY JUDGE

